

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JUSTIN PULLIAM,

Plaintiff,

v.

Civil Action No. 4:22-cv-4210

COUNTY OF FORT BEND, TEXAS;
SHERIFF ERIC FAGAN, in his individual
capacity; OFFICER ROBERT
HARTFIELD, in his individual capacity;
OFFICER JONATHAN GARCIA, in his
individual capacity; OFFICER TAYLOR
ROLLINS, in his individual capacity; and
OFFICER RICKY RODRIGUEZ, in his
individual capacity,

Defendants.

**PLAINTIFF’S UNOPPOSED MOTION TO RESET TRIAL DATE AND
AMENDED DOCKET CONTROL ORDER**

Plaintiff respectfully asks that the Court reset the trial date and the pretrial deadlines set out in the Amended Docket Control Order (Dkt. No. 63). On November 30, 2023, the Court granted Plaintiff’s Unopposed Motion to Stay Deadlines in Anticipation of a Motion to Reset Trial Date and ordered Plaintiff’s counsel to file a status update concerning availability for trial by December 11, 2023 (Dkt. No. 66). Plaintiff’s counsel filed that status update and represented that a motion to reset the trial date and corresponding deadlines would be forthcoming (Dkt. No. 67). Here, Plaintiff files that motion, asking that the Court reset the trial date for June 2024 and adjust the pre-trial deadlines accordingly. Defendants do not oppose this motion.

1. Plaintiff's motion for summary judgment is ripe and remains pending (Dkt. No. 61).

If the Court grants Plaintiff's summary-judgment motion, trial will either not be necessary or the issues will be narrowed.

2. Plaintiff's counsel continues to work on two cases before the United States Supreme Court that will be argued in early 2024, but only one of those cases received an oral argument setting:

- a. The Supreme Court set the case that Christen Mason Hebert is working on, *De villier et al. v. Texas*, No. 22-913, for oral argument on January 16, 2024. Briefing will be completed on January 5, 2024, to accommodate the oral argument date.

- b. The case that Jeffery Rowes is working on, *Gonzalez v. Trevino, et al.*, No. 22-1025, has not yet received an oral argument date. Oral argument will be set for the end of February, the end of March, or the end of April. Briefing is expected to be completed on February 23, 2024.

3. Christen Mason Hebert will be unavailable for trial during the month of March 2024 as her husband is set for a month-long trial in the United States District Court for the Northern District of California, and she will be the primary caregiver then to their two young children.

4. Plaintiff's counsel believes a June 2024 trial date will avoid availability conflicts.

5. Plaintiff's counsel has conferred with Plaintiff, and he is available for trial in June 2024.

6. Plaintiff's counsel has conferred with Defendants' counsel about a June 2024 trial

date. Defendants and Defendant's counsel have indicated that they are currently available for a trial in June 2024.

7. After conferring with Defendants' counsel, Plaintiff proposes that the trial date and the pretrial deadlines in the Amended Docket Control Order (Dkt. No. 63) be reset as follows:

April 11, 2024 **ALL OTHER PRETRIAL MOTIONS**

May 23, 2024 **JOINT PRETRIAL ORDER AND MOTIONS IN LIMINE**

May 31, 2024* **DOCKET CALL (at 3:30 P.M.)**
(*proposed date but the accompanying draft order includes a space to be filled in based on the Court's schedule)

June 2024 **BENCH TRIAL**

Dated: December 13, 2023

Respectfully submitted,

/s/ Christen Mason Hebert

Christen Mason Hebert, Attorney-in-Charge

Texas Bar No. 24099898

Federal ID No. 3844981

Jeffrey Rowes*, of counsel

Texas Bar No. 24104956

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Attorneys for Plaintiff

**Admitted pro hac vice*

CERTIFICATE OF CONFERENCE

As required by Local Rule 7.1(D)(1), I certify to the Court that Plaintiff's counsel conferred with opposing counsel about the merits of this motion on December 13, 2023 and opposing counsel has indicated that he does not oppose this motion.

/s/ Christen Mason Hebert
Christen Mason Hebert, Attorney-in-Charge

Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on December 13, 2023, I electronically filed the foregoing motion with the Clerk of Court using the CM/ECF system and served by the CM/ECF system to all counsel of record.

/s/ Christen Mason Hebert
Christen Mason Hebert, Attorney-in-Charge

Attorney for Plaintiff